



Los Angeles County  
Department of Regional Planning


*Planning for the Challenges Ahead*



Bruce W. McClendon FAICP  
Director of Planning

DATE: September 20, 2007

TO: Esther L. Valadez, Chair  
Harold V. Helsley, Vice Chair  
Leslie G. Bellamy, Commissioner  
Wayne Rew, Commissioner  
Pat Modugno, Commissioner

FROM: Mark Child, AICP   
Supervising Regional Planner  
Zoning Permits I

**SUBJECT: PROJECT NUMBER R2005-00572-(1)  
CONDITIONAL USE PERMIT NUMBER 200500048-(1)  
September 26, 2007 Regional Planning Commission Hearing  
Agenda Item No. 8**

The above referenced item is a conditional use permit request for the continued operation and expansion of a waste disposal station and materials recovery facility. Expansion includes the increase of the daily maximum capacity of 200 tons to 750 tons and an increase to the hours of operation from 7 a.m. to 6 p.m. to 6 a.m. to 6 p.m. New appurtenant structures, storage areas for trash hauling vehicles, and retroactive approval to increase the size of the subject property from 1.11 acres to 1.6 acres are also requested. The subject property is located at 1511-1533 Fishburn Avenue in the City Terrace Zoned District within the M-2 (Heavy Manufacturing) Zone.

The attached conditions have been modified per the instruction of the Regional Planning Commission at the April 18, 2007 public hearing. Modified conditions are shown in grey highlighting.

If you need further information, please call Ms. Adrienne Ng of my staff at (213) 974-6443 or email at [ang@planning.lacounty.gov](mailto:ang@planning.lacounty.gov). Department office hours are Monday through Thursday from 7:30 a.m. to 5:30 p.m. The Department is closed on Fridays.

MC:AN





Los Angeles County Department of Regional Planning  
320 West Temple Street, Los Angeles, California 90012  
Telephone (213) 974-6443

**PROJECT No.** R2005-00572-(1)  
**CASE NO.** RCUP200500048-(1)

RPC/HO MEETING DATE September 26, 2007	CONTINUE TO
AGENDA ITEM 8	
PUBLIC HEARING DATE November 1, 2006, February 7, 2007, April 18, 2007	

<b>APPLICANT</b> Robert Arsenian City Terrace Recycling		<b>OWNER</b> Robert Arsenian City Terrace Recycling		<b>REPRESENTATIVE</b> Donald Stockenberg	
<b>REQUEST</b> Conditional Use Permit: To authorize the expansion and continued operation of a waste disposal station and materials recovery facility.					
<b>LOCATION/ADDRESS</b> 1511-1533 Fishburn Avenue			<b>ZONED DISTRICT</b> City Terrace		
<b>ACCESS</b> Fishburn Avenue			<b>COMMUNITY</b> East Los Angeles		
			<b>EXISTING ZONING</b> M-2 (Heavy Manufacturing)		
<b>SIZE</b> 1.61 acres	<b>EXISTING LAND USE</b> Waste Transfer Facility		<b>SHAPE</b> Rectangular	<b>TOPOGRAPHY</b> Flat	
<b>SURROUNDING LAND USES &amp; ZONING</b> North: Warehouses, heavy and light manufacturing/ M-2			East: Heavy and light manufacturing, vacant, single-family and duplex residences / M-1, M-2, R-2		
South: Light manufacturing, commercial, single and multi-family residences / M-1, M-2, R-2			West: Heavy and light manufacturing, warehouse, multifamily residences / M-2, Multifamily Residential (City of Los Angeles)		
<b>GENERAL PLAN</b> East Los Angeles Community Plan	<b>DESIGNATION</b> I (Major Industrial)		<b>MAXIMUM DENSITY</b> N/A	<b>CONSISTENCY</b> See Staff Analysis	
Countywide	_____		_____	_____	
<b>ENVIRONMENTAL STATUS</b> Mitigated Negative Declaration					
<b>DESCRIPTION OF SITE PLAN</b> The applicant's site plan shows the subject property. An existing two-story office and maintenance building are located along the east side of the property. An existing canopy and processing building are located on the west side of the property. The proposed 6,000 square foot processing building will be built in the southwest corner of the subject property.					
<b>KEY ISSUES</b> ▪ Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements. <div style="text-align: right;">(If more space is required, use opposite side)</div>					

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON</b>					
RPC HEARING DATE(S)		RPC ACTION DATE		RPC RECOMMENDATION	
MEMBERS VOTING AYE		MEMBERS VOTING NO		MEMBERS ABSTAINING	
<b>STAFF RECOMMENDATION (PRIOR TO HEARING)</b>					
<b>SPEAKERS*</b>		<b>PETITIONS</b>		<b>LETTERS</b>	
(O)	(F)	(O)	(F)	(O)	(F)

\*(O) = Opponents (F) = In Favor



**PROJECT NUMBER R2005-00572-(1)**  
**CONDITIONAL USE PERMIT NUMBER 200500048-(1)**  
**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION**  
**COUNTY OF LOS ANGELES**

**REGIONAL PLANNING COMMISSION HEARING DATES:** November 1, 2006,  
February 7, 2007, April 18, 2007

**SYNOPSIS:**

A conditional use permit request for the continued operation and expansion of a waste disposal station and materials recovery facility. The expansion includes a request to increase the daily maximum capacity of 200 tons to 750 tons and to extend to the hours of operation from 7 a.m. to 6 p.m. to 6 a.m. to 6 p.m. This request includes new appurtenant structures, including storage areas for trash hauling vehicles, and retroactive approval to increase the size of the subject property from 1.11 acres to 1.6 acres are also requested. The facility currently processes waste from commercial, residential, and construction sources. The subject property is located at 1511-1533 Fishburn Avenue in the City Terrace Zoned District within the M-2 (Heavy Manufacturing) Zone.

November 1, 2006 Public Hearing

A duly noticed public hearing was held on November 1, 2006 before the Regional Planning Commission. Commissioners Bellamy, Rew, and Modugno were present. Commissioner Helsley and Valadez were absent. The applicant, Mr. Robert Arsenian, requested the removal of the requirement by the Department of Public Works for the provision of a street lights and a dedication along Fishburn Avenue and an extension to the grant term. The hearing was opened to the public for comments, however no public comments were made in person. The Commission continued the public hearing with no discussion to February 7, 2007 due to the absence of Commissioner Valadez.

February 7, 2007 Public Hearing

All Commissioners were present at the continued public hearing. The Regional Planning Commission continued the case until April 18, 2007 to allow the Department of Public Works, Environmental Programs Division and the Department of Public Health, Solid Waste Management adequate time to review the project.

April 18, 2007 Public Hearing

At the continued public hearing, Commissioners Valadez, Bellamy, Helsley, and Rew were present and Commissioner Modugno was absent. Mr. Arsenian and his representative, Mr. Donald Stockenberg, presented testimony in favor of the project, and requested modifications to the conditions regarding operating hours, alternative fuel vehicles, 10-year grant length, and provision of street improvements. A request was made to increase the hours of operation recommended by staff, from 7 a.m. to 6 p.m. to 6 a.m. to 6 p.m. Mr. Stockenberg stated that all truck traffic could be routed from the subject property to Interstate 10 via Medford Avenue and Eastern Avenue, avoiding Herbert Avenue.

The Commission directed staff to extend the grant term for 10 years plus up to 15 additional years in 5 year increments through director's review, to allow trucks to leave the site at 6 a.m. and limited operations to start at 6:30 a.m., to modify the requirement for street improvements to when the remainder of the street was upgraded, and clarify the requirement for alternative fueled vehicles.

There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to approve the permit, and directed staff to prepare the final environmental documentation and findings and conditions for approval, including changes to the conditions as discussed and as agreed to by the applicant.

### Findings

1. The applicant, City Terrace Recycling, is requesting a conditional use permit for the expansion and continued operation of a waste disposal station and materials recovery facility, including expansion of the facility from processing a maximum daily capacity of 200 tons to 750 tons per day, the construction of appurtenant structures, expansion of hours of operation from 7 a.m. to 6 p.m. to 6 a.m. to 6 p.m., and retroactive approval to increase the size of the subject property from 1.11 acres to 1.60 acres. The facility currently processes waste from residential and commercial sources and demolition and construction debris. The subject property is within the M-2 (Heavy Manufacturing) Zone. The subject property is located at 1511-1533 Fishburn Avenue in the City Terrace Zoned District.
2. Pursuant to Section 22.32.190 of the Los Angeles County Code, the applicant is requesting a Conditional Use Permit to authorize the expansion and continued operation of a waste disposal facility and materials recovery facility in the M-2 zone.
3. The subject property is located at 1511-1533 Fishburn Avenue, on the west side of Fishburn Avenue, one parcel to the north of the intersection between Fishburn Avenue and Fowler Street. The project site is located within an unincorporated area of Los Angeles County, in the community of East Los Angeles, in the City Terrace Zoned District.
4. The 1.60-acre subject property is developed with a waste disposal station and materials recovery facility. A two-story office building and a vehicle maintenance building are located on the east side of the property. Three processing structures exist along the west side of the site. One existing processing structure will be demolished and a new, expanded processing structure will be built in its place. The subject property is fully paved and enclosed with either buildings or solid metal fences or solid walls. A thirty-foot solid masonry concrete tilt-up building is located on an adjacent property to the west of the property line.
5. The surrounding properties are zoned as follows:

North: M-2  
South: M-1 (Light Manufacturing), M-2, R-2 (Two-Family Residence)  
East: M-1, M-2, R-2  
West: M-2, Multi-family Residential (City of Los Angeles)

6. Surrounding land uses within 500' include:

North: Warehouses, heavy and light manufacturing  
South: Light manufacturing, commercial, single and multi-family residences  
East: Heavy and light manufacturing, vacant, single-family and duplex residences  
West: Heavy and light manufacturing, warehouse, multi-family residences

7. Previous cases on the subject property include:

- Plot Plan 27206 was approved on April 22, 1975 for the provision of landscaping on an industrial property. A revision was approved on April 22, 1992 for the establishment of a truck storage and repair yard. A revision was approved on October 14, 1992 to remove the existing structures and construct a two-story office building with a 1,600 square footprint and a 2,200 square foot vehicle maintenance building.
- Conditional Use Permit 92200-(1) was approved on March 28, 1994 for the operation of a waste disposal and materials recovery facility. The facility was permitted to operate from 7 a.m. to 6 p.m. and process a maximum daily capacity of 200 tons. Conditional Use Permit 92200-(1) expires on March 28, 2014.
- No zoning enforcement cases have been filed on the subject property.

8. The subject property is designated as "I" or Industrial under the East Los Angeles Community Plan. Properties with this land use designation are suited for large-scale industrial uses such as heavy manufacturing, large warehouses, and research and development (Page 6). Applicable policies include:

- To encourage industrial development in the area north of the San Bernardino freeway where industrial use is designated on the Land Use Plan Map, where transportation and other municipal services can support industrial development (Page 2).
- To promote coordination and development of existing businesses and encourage upgrading to improve their economic status (Page 5).

Although residential uses exist within 500 feet of the subject property, the property is located in an industrial area which is comprised predominately of manufacturing development and warehouses. The Regional Planning Commission finds that

expansion of the existing waste disposal and materials recovery facility is consistent with the goals of the East Los Angeles Community Plan.

9. The applicant's site plan, labeled Exhibit "A" and dated June 7, 2005, depicts the subject property. The subject property is accessed via Fishburn Avenue to the east. Two existing buildings, a 3,200 square foot, two-story office (1,600 square footprint) and a 3,200 square foot one-story vehicle maintenance building, are located along the east side of the property. Three processing structures exist on the west side of the property. An existing 5,859 square foot, roofed canopy is located at the northernmost corner of the property. The canopy is walled on the south and west sides and provides shelter for a bailer and roll-off bin. An existing 6,600 square foot processing structure is located along the west side of the property to the south of the canopy. A truck loading space is shown within the structure. The processing structure is roofed and walled on the north and west sides. A 1,418 square foot, two-walled canopy along the south side of the property will be demolished and replaced with a new 5,975 square foot processing structure, adjoining the existing 6,600 square foot processing structure to form a 12,575 square foot, three walled and roofed processing structure. A truck loading space is shown within the proposed processing structure. Nineteen standard parking spaces and six 10' by 40' truck are shown on the site plan.

The property is enclosed on all sides by fences, solid walls, or neighboring buildings. An eight foot high masonry wall is shown along the east side of the property. Two corrugated metal entrance gates are shown along the east side of the property. Buildings on the neighboring property and a six foot corrugated metal fence border the subject property to the south. The west side of the property is bordered by 30 foot tall concrete tilt-up buildings. A 22-foot tall metal gate is shown on the north side of the property. Photographs show that buildings border the property line on the adjacent property.

10. The applicant requested an expansion to the hours of operation to 6 a.m. through 6 p.m. The facility was previously permitted to operate between 7 a.m. to 6 p.m. The Regional Planning Commission expanded the hours of operation to 6 a.m. to allow the exportation of materials and 6:30 a.m. to allow for the preparation of the facility for operations, but limited start times for sorting, maintenance, and other facility operations to 7 a.m.
11. In order to reduce noise impacts to residential areas, the Regional Planning Commission prohibited truck travel for the import and export of materials to and from the subject facility from using Herbert Avenue to access the State and Interstate Highway System between the hours of 6 a.m. and 8 a.m, with truck travel to be routed via Medford Avenue and Eastern Avenue during those times. Furthermore, the Regional Planning Commission required that truck travel be routed via Medford Avenue and Eastern Avenue when possible for all other times.
12. Per the applicant, the facility currently accepts wastes for sorting, baling, and transfer to other facilities and processes 70% commercial wastes, 25%



construction and demolition waste, and 5% residential wastes. The facility does not accept green waste for processing. Currently, waste loads are brought in to the site. Loads are tipped within the processing structures and materials to be recycled are sorted and compiled by hand. Materials to be recycled are stored in piles or containers until loads are accumulated and transferred off-site. Unrecycled waste is loaded on to semi-trailer transfer trucks for transportation to the La Puente Landfill. Currently, the facility utilizes an assortment of vehicles, including front-loading trash collection trucks, roll-off bin trucks, transfer trucks, and (bin delivery) pick-up trucks. Nine employees are currently employed on site and an estimated four additional persons will be employed with the expansion.

13. Development in the East Los Angeles Community Standards District shall comply with the following requirements:
  - Signage shall comply with Section 22.44.118-C.3. No signage is indicated on the site plan. Staff did not observe any signage during the site visit.
  - Per Section 22.44.118-D.10, the maximum height of any structure shall be 35 feet. The proposed processing structure will reach a height of 32 feet and 4 inches. This requirement has been met.
14. Development within the M-2 zone shall be further subject to the following requirements:
  - Fences and walls are required per Sections 22.52.570 and 22.52.610. The site plans shows an eight foot solid wall and an eight foot corrugated metal gates along the east side of the property. Buildings and solid fences of various heights are constructed along the north, west, and south property lines. The site plan complies with these requirements.
  - Per Section 22.52.620, landscaping shall be provided. The site plan shows a street frontage of 326 feet and 7 inches. A minimum of 327 square feet of landscaping is required. The site plans show 329 square feet of landscaping are located within the interior of the site. No landscaping is shown along the street frontage along Fishburn Avenue. Conditional Use Permit 92200-(1) was approved with a modification to the East Los Angeles Community Standards District with no landscaping the street frontage along Fishburn Avenue. The applicant has requested a modification to this requirement as the existing facility was approved without landscaping along Fishburn Avenue.
  - Per Section 22.52.640, all portions of outside storage and display areas shall have adequate grading and drainage and shall be continuously maintained, and shall not be stored above the height of the fence or wall within 10 feet of said fence or wall, shall be stored in such manner that it cannot be blown from the enclosed storage area, and shall not be placed or allowed to remain outside the enclosed storage area. These requirements have been included in the conditions.

- Section 22.32.200 part B refers to Part 11 of Chapter 22.52 for parking requirements. Per Section 22.52.1140 of the County Code, in connection with any manufacturing or other industrial use in any zone except Zone SR-D, there shall be provided parking space for all vehicles used directly in the conducting of such use and, in addition, not less than one automobile parking space for each two persons employed or intended to be employed on the shift having the largest number of employees, or each 500 square feet of floor area of the building used for such use, whichever is the larger. Per Section 22.52.1205 of the County Code, processing yards, including waste disposal and materials recovery facilities, shall provide one parking space for each 7,000 square feet of yard area or fraction thereof, up to the first 42,000 square feet and one parking space for each 20,000 square feet of yard or fraction thereof, in excess of 42,000 square feet.

Based on the square footage of the buildings and yard area, 18 parking spaces are required. The site consists of a 3,200 square foot two-story office building space requiring 6.4 parking spaces, 3,200 square foot maintenance building requiring 3.2 parking spaces, and 8 parking spaces are required for the 67,076 square foot yard.

Based on the number of employees and facility vehicles, 21 parking spaces are required. The facility currently employs nine persons and an estimated four additional employees will be added at full capacity for a total of 13 employees. Thirteen employees require seven parking spaces. Vehicles utilized by the facility include five front end-loading trash collection trucks, three roll-off bin trucks, three semi-trailer truck, and three pick-up trucks, which would require 14 parking spaces.

A total of 21 parking spaces are required for the facility. The site plan shows 19 parking spaces, including 18 standard parking spaces, one handicapped parking space, and six truck parking spaces. The additional truck parking spaces qualify as regular parking spaces. This requirement has been met.

- Per Section 22.52.1084-A, two Type-C loading spaces shall be required for Industrial uses with 18,001 to 36,000 square feet of gross floor area. The site plan shows two Type-C loading spaces within the processing structures. This requirement has been met.
15. The Department of Regional Planning has determined that a Mitigated Negative Declaration is the appropriate environmental documentation for this project under California Environment Quality Act (CEQA) reporting requirements. The Initial Study showed that potential impacts for noise, water quality, and air quality will be mitigated to a level of no significance with the attached Mitigation Monitoring Program (MMP).
  16. A total of 178 public hearing notices were mailed out to property owners within 1,000 feet of the subject property on September 25, 2006 regarding the subject

request. The notice was published in the East Los Angeles Tribune and La Opinion newspapers on September 28, 2006. Case-related material, including the hearing notice, factual and burden of proof were available on or before September 28, 2006 at the East Los Angeles County Library, located at 4801 East 3<sup>rd</sup> Street, in Los Angeles. According to the applicant, the hearing notice has been posted on the property for 30 days prior to the public hearing.

17. Two phone calls for more information were received regarding this request.
18. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Mitigated Negative Declaration and the Mitigation Monitoring Program together with any comments received during the public review process, finds on the basis of the whole record

before the Regional Planning Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration and the Mitigation Monitoring Program reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the project.

2. In view of the findings of fact and conclusions presented above Conditional Use Permit Number No. 200500048-(1) is APPROVED subject to the attached conditions.

**VOTE**

**Concurring:**

**Dissenting:**

**Abstaining:**

**Absent:**

**Action Date:**

MC:AN  
09/20/07

## DEFINITIONS

1. Definitions: Unless otherwise apparent from the context, the following definitions shall apply to these conditions:
  - a. "Ancillary Facilities" shall mean the facilities authorized by this grant that are directly related to the operation and maintenance of the Facility, and shall not include the facilities related to any other enterprise operated by the Permittee or any other person or entity.
  - b. "Approval Date" shall mean the date of the Regional Planning Commission's approval of this grant.
  - c. "Board" shall mean the Los Angeles County Board of Supervisors.
  - d. "CARB" shall mean the California Air Resources Board.
  - e. "CIWMB" shall mean the California Integrated Waste Management Board.
  - f. "County" shall mean the County of Los Angeles.
  - g. "County Code" shall mean the Los Angeles County Code.
  - h. County Local Enforcement Agency ("County LEA") shall mean the entity or entities (currently the Los Angeles County Department of Public Health) designated by the Board pursuant to the provisions of Division 30 of the California Public Resources Code to permit and inspect solid waste facilities and to enforce State regulations and permits governing these facilities; provided, however, that should the State assign the function of the LEA to an entity other than a Board-designated entity, the duties and responsibilities of the County LEA assigned to this grant which are above and beyond the LEA's function as assigned by the State shall be performed by the Department of Public Health – Solid Waste Management Program.
  - i. "Department" shall mean the Los Angeles County Department of Regional Planning.
  - j. "Department of Public Health" shall mean the Los Angeles County Department of Public Health.
  - k. "Department of Public Works" shall mean the Los Angeles County Department of Public Works.
  - l. "Effective Date" shall mean the date of the Permittee's acceptance of this grant pursuant to Condition No. 3.

- m. "Facility" shall mean the entirety of the subject property and all activities authorized on the subject property by this grant.
- n. "Garbage" shall mean "Solid Waste" as defined in this grant.
- o. "Impermeable Cover" shall mean "Impermeable Material" as defined in this grant.
- p. "Impermeable Material" shall mean material which can not be pervaded by water and gas.
- q. "Materials Recovery Facility" shall mean a facility that separates Solid Waste into recyclable materials and residual waste.
- r. "Permittee" shall mean the applicant and any other person, corporation, or other entity making use of this grant.
- s. "Processing" shall mean the controlled separation, recovery, volume reduction, or recycling of Solid Waste including, but not limited to, organized, manual, automated, or mechanical sorting, and the use of vehicles for spreading of waste for the purpose of recovery.
- t. "Project" shall mean the activities of the currently operational MRF/TS solid waste facility and its expansion within the area depicted on Exhibit "A" and other activities as approved by this grant. The Project includes the MRF/TS solid waste facility and Ancillary Facilities and activities as described in Condition 2, including but not limited to, waste diversion facilities, offices, and other employee facilities.
- u. "Putrescible Solid Waste" shall mean waste that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances due to odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes.
- v. "Recovered Material" shall mean material which has been retrieved or diverted from disposal for the purpose of recycling, reuse, or composting. "Recovered Material" does not include those materials generated from and reused on-site for manufacturing purposes.
- w. "Recycle" or "Recycling" shall mean the process of collecting, sorting, cleansing, treating, or reconstituting materials that would otherwise become Solid Waste, and returning them to the economic mainstream either directly or in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined in Section 40201 of the Public Resources Code.

- x. "Refuse" - see "Solid Waste" as defined herein.
- y. "Residual Waste" shall mean the waste remaining after removal of recyclable material from the Solid Waste stream.
- z. "RWQCB" shall mean the Regional Water Quality Control Board, Los Angeles Region.
- aa. "SCAQMD" shall mean the South Coast Air Quality Management District.
- bb. "Site Plan" shall mean the plan depicting all or a portion of the subject property, including any Ancillary Facilities approved by the Director of the Department. "Site Plan" shall include what is referred to in this grant as Exhibit "A".
- cc. "Solid Waste" shall mean all putrescible and non-putrescible solid and semi-solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes. "Solid Waste" excludes materials or substances having commercial value which have been salvaged for reuse, recycling, or resale. Solid Waste includes Residual Waste received from any source.
- dd. "Source Separated Solid Waste" shall mean Solid Waste materials separated at the point of generation and delivered to the MRF/TS solid waste facility for Processing and for uses other than land disposal or incineration.
- ee. "TAC" shall mean the Los Angeles County Technical Advisory Committee established pursuant to Part IV of the Implementation and Monitoring Program.
- ff. "Transfer Station" shall mean a facility that receives Solid Waste for the purpose of (1) storing, handling or Processing the waste prior to transferring the waste to another solid waste facility or recycling facility; and/or (2) transferring Solid Waste directly from one container to another or from one vehicle to another for transport to another solid waste facility.

Unless otherwise expressly provided in this grant, applicable federal, state, or local definitions shall apply to the terms used in this grant. Also, whenever a definition or other provision of this grant refers to a particular statute, code, regulation, ordinance, or other regulatory enactment, that definition or other provision shall include, for the life of this grant, any amendments made to the pertinent statute, code, regulation, ordinance, or other regulatory enactment.

## GENERAL

2. This grant shall supersede Conditional Use Permit ("CUP") 92200-(1) and shall authorize the continued operation and expansion of a Material Recovery Facility/Transfer Station (MRF/TS) solid waste facility on the subject property. This facility may accept materials from any licensed waste haulers contracted with the facility. This facility shall not be open to the public. This grant shall also authorize the following Ancillary Facilities and activities at the Facility, as shown on the most currently approved site plan(s) (Exhibit "A"), subject to the conditions of this grant:
  - a. Office and employee facilities directly related to the MRF/TS solid waste facility;
  - b. Waste handling and Processing operations;
  - c. Facilities necessary for the maintenance and repair of machinery and equipment used at the Facility, including refuse collection equipment and vehicles, and equipment or machinery used by the Permittee;
  - d. Facilities necessary for environmental protection and control systems, including storage tanks; and,
  - e. Storage bins utilized for Recovered Material.
3. Within sixty (60) days of the Effective Date, the Permittee shall submit to the Director of the Department for review and approval four (4) copies of a Exhibit "A", similar to that presented at the public hearing, that depict all required changes, including, but not limited to, the following:
  - a. All proposed and existing landscaping;
  - b. The location of the MRF/TS solid waste facility, Ancillary Facilities/uses, and storage areas;
  - c. Site access, interior circulation, parking, appropriate traffic controls, designated and marked waste loading and unloading area(s), adjacent intersections; and,
  - d. All fences and gates on-site;

Prior to submittal to the Director of the Department, the Permittee shall submit the revised plans to the Director of the Department of Public Works for its review and approval.

The property shall be maintained in conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the Permittee shall submit four (4)



copies of the proposed plans to the Director of the Department for review and approval with copies of the submittal filed with the Director of the Department of Public Works and the County LEA. All revised plans must be accompanied by the written authorization of the property owner.

No changes in design and operation of the MRF/TS solid waste facility are permitted unless revised site plans are approved by the Director of the Department, in consultation with the Director of the Department of Public Works and the County LEA. No revision to the site plan shall be approved unless consistent with the conditions of this grant. A copy of all approved revised site plans shall be filed with the Director of the Department of Public Works and the County LEA upon approval by the Director of the Department.

4. This grant shall not be effective for any purpose until the Permittee, and the owner of the subject property if other than the Permittee, have filed at the office of the Department an affidavit stating that they are aware of, and agree to comply with, all of the conditions of this grant, and have paid all fees and provided all deposits required by the conditions of this grant, including Conditions Nos. 3, 28, 32, 33, 34, 42, 43, 56, 57, and 58. Notwithstanding Condition No. 7 of this grant, the filing of such affidavit constitutes a waiver of the Permittee's right to challenge any provision of this grant.
5. The Permittee shall fully perform each action required of the Permittee under the IMP and the Mitigation Monitoring Report (MMR) attached to the supporting environmental documentation for this project, which actions are incorporated into these conditions by reference.
6. This grant shall expire unless it is used within one (1) year from the Approval Date. Prior to use of this grant, the Permittee shall comply with the requirements of Condition No. 3. The Permittee may request a three-month time extension to use this grant if compliance with these conditions cannot otherwise be fulfilled, provided an application with the appropriate fee requesting such extension is filed with the Department at least one month before the use by expiration date.
7. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant to the satisfaction of the Director of the Department, and in full compliance with all statutes, ordinances, or other regulations applicable to any development or activity on the subject property. The Permittee shall also comply with all permits, approvals, or findings issued by other governmental agencies or departments, including, but not limited to, the permits, approvals, or findings issued by:
  - a. The County LEA and the CIWMB;
  - b. The CARB;
  - c. The RWQCB;

- d. The SCAQMD;
  - e. The County of Los Angeles Department of Public Health; and,
  - f. The County of Los Angeles Department of Public Works
8. Upon the Effective Date, the Permittee shall cease all development and other activities that are not in full compliance with Condition No. 7, and failure to do so shall be a violation of this grant. The Permittee shall keep all required permits in full force and effect and shall fully comply with all requirements thereof.
  9. Failure of the Permittee to provide any information requested by County staff regarding any such required permit shall constitute a violation of this grant and shall be subject to any and all penalties described in Condition No. 12.
  10. It is hereby declared to be the intent of this grant that if any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
  11. To the extent permitted by law, the County LEA shall have the authority to order the immediate cessation of MRF/TS solid waste facility operations or other activities at the Facility if the County LEA determines that such cessation is necessary for the health, safety, and/or welfare of the County's residents. Such cessation shall continue until such time as the County LEA determines that the conditions leading to the cessation have been eliminated or reduced to such a level that there no longer exists an unacceptable threat to the health, safety, and/or welfare of the County's residents.
  12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing in accordance with Section 22.56.1780 et seq. of the County Code, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings, the Permittee shall compensate the County for all costs incurred in such proceedings.
  13. Nothing in these conditions shall be construed to require the Permittee to engage in any act that is in violation of any state or federal statute or regulation.
  14. The Permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, annul or seek damages or compensation in connection with this permit approval and/or the conditions of this permit

approval, which action is brought within the applicable time period of Section 65009 of the Government Code or other applicable limitation period. The County shall notify the Permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.

15. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within ten days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to Permittee or Permittee's counsel. The Permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the Permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the Permittee according to Los Angeles County Code Section 2.170.010.

16. Prior to the use of this grant, the property owner or Permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or Permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
17. Upon approval of this grant, the Permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
18. The Permittee shall give irrevocable permission to the County of Los Angeles or its authorized agents to enter the Facility during the Facility's business hours for the purpose of conducting an inspection. The inspector shall comply with the Facility safety protocol during the inspection. During the inspection, the Permittee shall fully cooperate with the inspector and shall not impede the inspector's work unless necessary to comply with the safety protocol. The inspector may be escorted by the Permittee's staff. The

inspection report and any notice of violation issued to the Permittee shall be reported to the Director of the Department within 24 hours of the site inspection.

## TERMINATION REQUIREMENTS

19. **This grant shall terminate on xx xxx, 2017 (ten years after the date of approval)** unless renewed by the Director for an additional period of five (5) years, not to exceed a maximum additional term of fifteen (15) years, upon the permittee's request made in accordance with the procedures set forth in Part 12 of Chapter 22.56 of the County Code. In addition, to the procedures set forth in Part 12 of Chapter 22.56 of the County Code the Department shall consult with the First Supervisorial District and the Directors of the Community Redevelopment Corporation, Department of Public Health, and Department of Public Works. A request for Director's Review must be made at least six months before the expiration date.
20. Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If the Permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department at least one year prior to the termination of this permit, whether or not any modification of the use is requested at that time.

## FACILITY CAPACITY

21. The amount of Solid Waste received at the Facility for material recovery, transfer, and/or processing purposes, on any given day, six working days per week, shall not exceed 750 tons. In determining the amount of Solid Waste received by the Facility, the quantity shall include all incoming Solid Waste and recyclable materials, but not be limited to, the following: Solid Waste materials received for Processing at the Facility, Source Separated Solid Waste delivered to the Facility, recyclable materials delivered to the Facility, and materials received in conjunction with any other solid waste handling enterprise at the Facility.  
  
All Solid Waste materials received and/or processed at the Facility shall be weighed.
22. The Permittee shall conduct all waste Processing and separation activities within designated areas only.
23. Within 90 days of the Effective Date, or a longer period if approved by the Director of the Department of Public Works, the Permittee shall adopt measures to ensure that the method to determine the amount of tonnage processed at the Facility is accurate. These measures shall include, but not be limited to:

- a. Requiring all solid waste haulers to submit accurate waste origin data.
- b. Implementing a system to verify the accuracy of the data submitted.
- c. Implementing a system to verify that Solid Waste reported as having originated in the County unincorporated area actually has such origination.
- d. Adopting education and outreach programs for solid waste haulers and other customers of the Permittee regarding the need for accurate waste origin data.
- e. Imposing penalties on solid waste haulers and other customers of the Permittee for non-cooperation with these measures, or for repeatedly providing false information regarding waste origin data to the Permittee.

The waste origin verification and reporting program developed by the Permittee shall be approved by the Director of the Department of Public Works, and the Permittee shall submit the data from this program on a monthly basis to the Department of Public Works for review. Based on the initial results from this program, the Director of the Department of Public Works may require the Permittee to modify the program or to develop or implement additional monitoring or enforcement programs to ensure that the intent of this Condition No. 23 is satisfied. The Director of the Department of Public Works may also, at his or her discretion, terminate the program at any time.

## **OPERATING HOURS**

24. The Facility shall be subject to the following operating hours:

- a. The Facility may receive Solid Waste materials only between the hours of 7:00 a.m. through 6:00 p.m., Monday through Saturday. The Facility entrance gate may be open at 6:30 a.m., Monday through Saturday, to allow preparation of the Facility for operations.
- b. The Facility and all its operations shall be closed on Sundays.
- c. Facility operations, such as waste Processing, may be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday. Solid Waste materials may be exported only from the Facility between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday.
- d. Truck and equipment maintenance activities at the Facility may be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

- e. Construction activities at the Facility may be conducted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
  - f. On-site diesel vehicles and forklifts may be operated at the Facility between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
  - g. Notwithstanding anything to the contrary in this Condition No. 24, emergency operations, mitigation measures necessary to avoid negative environmental impacts, and equipment repairs, which cannot be accomplished within the hours set forth in this Condition, may occur at any time if approved via written authorization by the County LEA. A copy of this authorization shall be provided to the Director of the Department
25. The Permittee shall maintain adequate on-site staff, with appropriate training and experience during all hours of operation for the Facility. The staff's qualification and level of experience shall be subject to approval of the County LEA, which may, in its discretion, establish minimum training requirements for designated positions at the Facility. All on-site staff shall be familiar with the conditions of this grant.

## STORAGE

26. The Permittee shall not store or hold odoriferous Solid Waste material at the Facility for a period exceeding 24 hours with the exception of food waste, green waste, putrescible and unusually odoriferous waste, which shall be shipped off site immediately, but in no event shall these materials remain on-site for a period longer than 24 hours of receipt. All Solid Waste materials and Residual Waste materials shall be stored within the processing structures only and shall be covered with an Impermeable Cover, if stored overnight. Solid Waste materials and Residual Waste materials may also be stored within storage bins, if covered by an Impermeable Cover. All Solid Waste materials, Recovered Material, and Residual Waste materials shall be stored in such a manner that it cannot be blown from the facility yard and shall be covered with an Impermeable Cover, if stored overnight. All storage bins shall be covered with an Impermeable Cover if materials are stored overnight or if not in use.
27. The Permittee shall not store Recovered Materials more than 21 days, unless a longer period is approved by the County LEA. Said materials shall be covered with an Impermeable Cover. The County LEA may shorten the maximum storage period of 21 days to protect public health and safety and to prevent public nuisances.

## ODOR

28. Prior to the Effective Date, the Permittee must prepare and submit to the County LEA for review and approval an Alternative Odor Management Plan (AOMP) or a South Coast Air Quality Management District Rule 410 Odor Management Plan (Rule 410 OMP). Either odor plans shall include procedures to identify and handle odiferous incoming loads of Solid Waste. The County LEA shall consult with the SCAQMD prior to approving an AOMP.
- a. The Permittee shall annually review the Plan to determine if and when revisions are necessary.
  - b. The County LEA shall use the Plan to determine if the Facility is following the procedures established by the Permittee. If the County LEA determines that the Plan is not being followed, the County LEA may require the operator to either comply with the Plan or to revise it, in consultation with SCAQMD.
  - c. The County LEA shall have the authority to require the Permittee to implement additional corrective measures when such measures are deemed appropriate to protect public health and safety.
29. Within 90 days of the Effective Date, the Permittee shall implement an odor control system to prevent public nuisances, including, but not limited to, the installation of automatic misting systems to prevent odor migration offsite). The odor control system shall be reviewed and approved by the County LEA.

In the event such measures are determined inadequate by the County LEA, the County LEA may approve alternative odor mitigation measures proposed by the Permittee, if it determines that such measures will be equal to or more effective in controlling odor impacts.

## NOISE

30. The Permittee shall take all necessary measures to ensure that noise emissions from the Facility, including construction equipment, at all residential receptors are within the limits of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the County Code.
31. The Permittee shall implement mitigation measures necessary to reduce impacts due to noise emissions to the satisfaction of the Department of Public Health, Environmental Hygiene Program and the County LEA. Unless said agencies state otherwise, within 90 days of the Effective Date, the Permittee shall select the most effective system in controlling noise emissions. The Department of Public Health, Environmental Hygiene Program and/or the County LEA shall have the authority to require the Permittee to

implement additional corrective measures when such measures are deemed appropriate to protect public health and safety.

## **VECTOR CONTROL**

32. Prior to the Effective Date, the Permittee shall implement effective vector control measures at the Facility. All vector control measures shall be reviewed and approved by the Los Angeles County Department of Public Health, Vector Management Program and the County LEA prior to implementation. Additional vector control measures may be required by the Department of Public Health, Vector Management Program and the County LEA.

## **DUST**

33. The Permittee shall implement mitigation measures necessary to reduce impacts due to dust emissions to the satisfaction of the County LEA. Prior to the Effective Date or unless the County LEA states otherwise, the Permittee shall select the most effective system in controlling dust emissions. The County LEA shall have the authority to require the Permittee to implement additional corrective measures when such measures are deemed appropriate to protect public health and safety.

## **LITTER**

34. Prior to the Effective Date, the Permittee shall develop and maintain a litter control and recovery program, to the satisfaction of the Director of the Department of Public Works and the County LEA. The program shall include the following provisions:
  - a. All Solid Waste vehicles utilizing the Facility must tarp their loads.
  - b. All Solid Waste vehicles utilizing the Facility must remove debris from the rear axles prior to exiting the facility.
  - c. All paved surfaces within the Facility grounds, and the sidewalk in front of the Facility, must be swept at least twice daily.
  - d. All Facility access roads must be monitored at regular intervals during operating hours to ensure litter is not spilling from solid waste vehicles utilizing the Facility.
  - e. The sweeping frequency on- and off-site may be increased as warranted to prevent accumulation of litter.



## TRAFFIC AND LIGHTING

35. The Permittee shall implement the following transportation improvements.

The following improvements shall be the sole responsibility of the project and be in place prior to the issuance of building permit:

- a. Dedicate right of way 30 feet from centerline on Fishburn Avenue. Five feet of additional right of way is required along the portion of the property frontage.
- b. Construct curb, gutter, and sidewalk on Fishburn Avenue along the property frontage to the satisfaction of Director of the Department of Public Works.
- c. Submit a truck (type WB-50) turning analysis for all typical paths of travel using appropriate turning radii, from all approaches and driveways (i.e. trucks arriving eastbound and westbound on Fowler Street, southbound on Fishburn Avenue, entering from the southerly driveway, and exiting from the northerly driveway). Show each truck (Type WB-50) turning analysis on a separate site plan (1:20)
- d. Prepare and submit a queuing analysis/study for the Facility to determine if the proposed increase in daily capacity will result in any traffic congestion along Fishburn Avenue and Fowler Street.
- e. Prior to approval of the site plan, the following additional items need to be addressed:
  1. Show the proposed truck (type WB-50) path of travel on revised site plan.
  2. Designate the existing southerly driveway on Fishburn Avenue for ingress only. Show appropriate signing on revised site plan.
  3. Designate the existing northerly driveway on Fishburn Avenue for egress only. Show appropriate signing on revised site plan.
  4. Provide adequate throat length (minimum of 20 feet behind the right-of-way) at all existing driveway entrances using an adequate barrier (i.e. curb, raised median, etc...).
  5. Remove/Relocate the 4 parking spaces just west of the existing southerly driveway, on Fishburn Avenue, and replace with appropriate barrier to achieve adequate spacing between the driveway entrance and the first parking stall.
  6. Call-out to install 20 feet of red curb directly north and south of the existing northerly driveway and north of the existing southerly driveway on Fishburn Avenue.
  7. Call-out- to install 20 feet of red curb directly north of the ECR of the northeast corner of Fishburn Avenue and Fowler Street.

8. Call-out to install red curb (approximately 40 feet) between the BCR and ECR of the northeast corner of Fishburn Avenue and Fowler Street.

All comments in item 34e must be addressed prior to setting final conditions of approval for the site plan.

- f. Upon approval of the site plan, the following conditions shall apply:
  1. The existing southerly driveway on Fishburn Avenue shall be restricted to ingress only.
  2. The existing northerly driveway on Fishburn Avenue shall be restricted to egress only.
  3. Restrict parking with 20 feet of red curb directly north and south of the existing northerly driveway and north of the existing southerly driveway on Fishburn Avenue.
  4. Restrict parking with 20 feet of red curb directly north of the ECR of the northeast corner of Fishburn Avenue and Fowler Street.
  5. Restrict parking with red curb (approximately 40 feet) between the BCR and ECR of the northeast corner of Fishburn Avenue and Fowler Street.
  6. Final site plans for any commercial/multi-unit complex, park, and/or school lot as a result of future subdivision must be submitted to Traffic and Lighting Division for review and approval of access locations (including sight distance) and parking lot circulation.

36. The provision of upgraded street lighting by the permittee and along the permittee's property shall be postponed until upgraded street lighting improvements are constructed along the remainder of Fishburn Avenue. The property owner shall record a covenant whereby he/she shall agree to participate in future lighting improvements along Fishburn Avenue and provide the fair share cost relating to said street light upgrades. The Permittee must provide a copy of the document to be recorded to the Director of Public Works for approval prior to recordation. Upon recording of the said document, the Permittee shall provide proof of recordation to the Director of Public Works and the Director of Regional Planning.
37. If necessary, the Permittee shall set back the fire hydrant on Fishburn Avenue outside the public right of way, to the satisfaction of the Director of the Department of Public Works.
38. If necessary, the Permittee shall relocate the catch basin on the northerly property line on Fishburn Avenue, to the satisfaction of the Director of the Department of Public Works.
39. The Permittee shall repair displaced, broken, or damaged curb, gutter, sidewalk, and pavement on Fishburn Avenue along the property frontage to the satisfaction of the Director of the Department of Public Works.

40. Prior to the issuance of any building permits, the Permittee shall submit any architectural plans to the Fire Prevention Engineering unit of the County of Los Angeles Fire Department for review and approval.
41. The Permittee shall implement a program to prevent the queuing of trucks outside the Facility, and minimize traffic impacts due to waste hauling on Fishburn Avenue and Fowler Street at the Facility. This program must include, at a minimum, measures for relieving street traffic on Fishburn Avenue due to queuing of trucks delivering waste at the main entrances to the Facility, and reducing truck traffic on the surrounding residential roads during peak hours. The program shall be reviewed and approved by the Director of the Department of Public Works prior to the Effective Date. Said program shall also be submitted on an annual basis and subject to review and approval by the Director of the Department of Public Works.
42. All trucks accessing or exiting the subject property between the hours of 6 a.m. to 8 a.m. shall be routed to the interstate or state highway system via Medford Avenue and Eastern Avenue with travel prohibited on Herbert Avenue. At all other times, all trucks shall be routed via Medford Avenue and Eastern Avenue when possible.

## **LANDSCAPING**

43. Prior to the Effective Date, the Permittee shall submit a landscape plan, which includes all frontage landscape, to the Director of the Department for review and approval.
44. The Permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary.

## **MARKINGS**

45. The Permittee shall remove all graffiti in public view on buildings, fences, walls, and structures at the Facility within 24 hours of its placement, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of adjacent surfaces.
46. All fences and walls, excluding masonry and approved permanent finish panels, shall be painted in a uniform, neutral color, which blends with the adjacent properties, and said improvements shall be maintained in a neat, orderly condition at all times.

## **COMPLIANCE WITH ADDITIONAL PERMITS/REQUIREMENTS**

47. The Permittee shall be prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the Facility before the required or revised permit is obtained from the Department of Public Works. The activities covered by this Condition No. 46 include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this Condition No. 46, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.
48. The Permittee shall develop and obtain approval from the Department of Public Works a Standard Urban Storm Water Mitigation Plan for the Facility's activities, unless the Department of Public Works determines that such plan is unnecessary.
49. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
50. Upon the effective date, all equipment and diesel fleet vehicles, including transfer trucks, entering the Facility shall be CARB compliant.

Additionally, upon the effective date, all newly purchased fleet vehicles, including packer trucks, roll-off trucks, and transfer trucks, must be alternative fueled. Alternative fueled vehicles means a vehicle that uses compressed or liquefied natural gas, liquefied petroleum gas, methanol, electricity, fuel cells, or other advanced technologies approved by TAC. The Permittee may appeal this requirement to TAC, but only on the bases of whether a particular alternative fuel vehicle is technologically or economically feasible, as compared to standard vehicles.

By July 1 of each year, the Permittee shall submit an annual report to the Director of the Department documenting that all equipment and diesel trucks are in compliance with this Condition 49, including, but not limited to, Title 13, California Code of Regulations, Section 2020, et seq.

51. All vehicles or trucks to be used in the construction and operation of the MRF/TS solid waste facility shall comply with Sections 27150, 27204, and 27206 of the California Vehicle Code.
52. All parking lot and other exterior lighting should be hooded and directed away from neighboring properties to prevent direct illumination and glare, and shall be turned off within 30 minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.

53. All materials shall be stored within the enclosed facility yard only. Materials shall not be stored above the height of the yard fence or wall. Materials shall be stored in such a manner that it cannot be blown from the enclosed storage area. Materials stored shall be covered with an impermeable cover, if stored overnight.
54. The permittee shall comply with all Fire Department requirements provided in their correspondence dated December 2, 2005 or as otherwise modified by said Department.
55. A minimum of 21 parking spaces shall be provided. At least one (1) of these spaces shall be reserved for persons with disabilities and shall be van-accessible. All compact spaces shall be labeled accordingly. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use. A minimum of two (2) Type-C loading spaces, dimensioned 40' by 12' with 14' vertical clearance, shall be provided.
56. In the event of a conflict between the provisions of this grant and other regulations, the more stringent shall apply.

#### **PERMITTEE FEES**

57. Prior to the Effective Date, the Permittee shall deposit with the Department the sum of \$1,500. These monies shall be placed in a performance fund that shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plans on file. The fund provides for ten (10) annual zoning inspections of the site, on every year over the ten year period. All inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the Permittee shall be financially responsible for and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the current recovery cost at the time of payment, whichever is greater (currently \$150.00 per inspection).

58. Within fifteen (15) days of the Effective Date, the Permittee shall remit a \$1850.00 processing fee payable to the County of Los Angeles in connection with the filling and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code.
59. Within thirty (30) days of the Effective Date, the Permittee shall deposit with the Department the sum of \$3,000. These monies shall be placed in a performance fund

that shall be used exclusively to compensate the Department for all actual expenses incurred in reviewing and verifying the information contained in any required reports and any other activities of the Department, including but not limited to, enforcement, permitting, coordination of mitigation monitoring, and administrative support. The Permittee shall be financially responsible for and shall reimburse the Department for all actual expenses exceeding the initial deposit (\$3,000).

60. For the life of this grant, the Permittee shall pay on a monthly basis to the Department \$0.50 per ton of Solid Waste received at the Facility. The said payments shall be deposited into an interest-bearing Community Benefit and Environmental, Education Trust Fund, created and maintained by the Department. This fund shall be used to fund environmental, educational, and quality of life programs in the unincorporated surrounding communities, and to fund regional public facilities that serve these communities. All monies in the fund shall be spent by the First Supervisorial District. All interest earned on the monies in the Fund shall remain in the Fund.
61. The Permittee shall pay on a monthly basis to the Department of Public Works a fee of \$0.25 per ton of Solid Waste received at the Facility. This fee shall be used for the implementation and enhancement of waste diversion programs in County unincorporated areas.

#### **COMMUNITY COMPLAINTS/INQUIRIES**

62. The Permittee shall maintain a record of all complaints received and measures taken to resolve those complaints. The record of complaints shall include the date and time, nature of complaints, and actions taken to identify and mitigate the complaint. The Permittee shall resolve all complaints to the satisfaction of the Director of the Department. The record shall be maintained for three years and made available upon request.
63. The Permittee shall post a sign at the entrance gate to the Facility providing the following information:
  - a. The telephone number to contact the Permittee on a 24-hour basis to register complaints regarding the Facility's operations. All complaints received shall be reported to the Director of the Department, and other agencies, as appropriate, on the same day but no later than 10:00 a.m. of the following business day;
  - b. The telephone number of the Department's Zoning Enforcement Section, and the hours when the number is staffed; and,
  - c. The telephone number of the County LEA and the hours when the number is staffed.

- c. The telephone number of the County LEA and the hours when the number is staffed.
- 64. Copies of all confirmed Notices of Violations shall be provided to the Department's Zoning Enforcement Section, within 24 hours of receipt. In addition, the Permittee shall identify all measures undertaken by the Permittee to address these complaints and/or correct the violations. The Department and the County LEA shall have the authority to require the Permittee to implement additional corrective measures for complaints of this nature when such measures are deemed necessary to protect public health and safety.
- 65. If more than three (3) confirmed Notices of Violations are received within a six (6) month period, the Department's Zoning Enforcement Section or the County LEA shall notify the Director of the Department. The Director of the Department shall require that the Permittee meet immediately with the TAC to discuss resolution and prevention of these violations.

Attachments:

Mitigation Monitoring Measures, September 20, 2007  
Implementation and Monitoring Program





**CITY TERRACE TRANSFER STATION AND MATERIAL RECOVERY FACILITY  
PROJECT NO. R2005-00572- (1)  
CONDITIONAL USE PERMIT CASE NO. 200500048-(1)  
IMPLEMENTATION AND MONITORING PROGRAM (IMP)**

PURPOSE. This implementation and monitoring program (IMP) is intended to implement and ensure compliance with the conditions of grant and to complement the enforcement and monitoring programs routinely administered by County agencies and by public agencies other than the County of Los Angeles.

PART I – WASTE COMPOSITION REPORT. The intent of the waste composition report is to ensure the accuracy of the County unincorporated area disposal tonnages.

Within 180 days of the effective date of this grant, and annually thereafter, the permittee shall conduct a waste composition study to determine the composition (waste category and material type), by sector, of all incoming wastestream originating in the unincorporated County areas. The study report shall contain, at a minimum, the incoming wastestream profile, the percent of recovered materials or recycled materials, and the waste allocation method(s) used to calculate the percentage or proportion the total waste.

The study shall be included in a report to be submitted for review and approval of the Director of Public Works. Each report shall be due on January 1, of the applicable year, until closure of the facility. At least 60 days before the due date, draft copies of the report shall be submitted to the Department of Public Works for review and comment.

This requirement shall be effective as long as the facility receives commingled waste materials from the unincorporated County areas from which recyclable materials are recovered at the Material Recovery Facility.

PART II – MONITORING REPORTS. This part is intended to provide for a means of continuing oversight of the facility operations as a supplement to the routine enforcement activities of the various regulatory agencies having control over the development, operation, and maintenance of the facility.

- A. The permittee shall prepare and submit an annual monitoring report to the Regional Planning Commission, due on July 1, every year, until closure of the facility. At least 90 days before the due date, the permittee shall submit five ELECTRONIC copies of the draft report to the Department of Regional Planning which shall forward the copies of the report to the following for review and comment:
1. Department of Health Services-SWMP
  2. Director of Public Works
  3. South Coast Air Quality Management District

Each referral shall include a request that comments be sent to the permittee within 30 days of receipt of the draft report but not later than 30 days before the due date of the final report.

**CITY TERRACE TRANSFER STATION AND MATERIAL RECOVERY FACILITY  
PROJECT NO. R2005-00572- (1)  
CONDITIONAL USE PERMIT CASE NO. 200500048-(1)  
IMPLEMENTATION AND MONITORING PROGRAM (IMP)**

The permittee shall respond to each comment received and shall include each comment and response with the final report submitted to the Commission.

B. Each monitoring report shall contain the following:

1. A monthly summary of the quantities of waste received, recycled, or otherwise diverted at the Facility, shipped offsite to a disposed facility, and sent offsite for further handling/processing, from January 1 of each year, as applicable, in sufficient detail to explain significant changes and variations over time and an explanation of any significant variations or changes.
2. A yearly total of all solid waste received in the facility per jurisdiction of origin, showing the quantity of solid waste received for material recovery, recycling, transfer, and/or processed, the percent of total recovered materials and the residual wastes in volume and in tons.
3. The average daily tonnage for each month of the year and corresponding facility diversion rates for (i) non-separated solid waste and (ii) source-separated solid waste.
4. A copy of the final approved site plan, showing the location and sequence of operation of the MRF, transfer/processing facility, recycling center, and all other solid waste handling services operating at the facility.
5. A solid waste composition study/report prepared by the permittee and approved by the Director of Public Works, pursuant to Part I of this IMP.
6. A copy of the complaint logs showing the number and character of litter, noise, fugitive dust, and odor complaints received in the reporting period, the disposition of such complaints, and any new or additional measures that have been undertaken to address future complaints.
7. A detailed accounting of any citations for violations received from any regulatory agency in connection with operation of the facility (including those for litter, odor, fugitive dust, noise, and other environmental control systems) and the disposition of the citations, including any penalty assessed and fees paid.  
Upon receipt of the monitoring report, the Regional Planning Commission may request that the permittee submit such additional information, as it deems necessary to carry out the purposes of this IMP and/or intent of the grant.

Nothing in this Part II shall be construed to in any way limit the authority of the Regional Planning Commission or the Board of Supervisors to initiate any processing to revoke or modify any part of this grant and as provided in Part 13, Chapter 56, of Title 22 of the County Code.

**CITY TERRACE TRANSFER STATION AND MATERIAL RECOVERY FACILITY  
PROJECT NO. R2005-00572- (1)  
CONDITIONAL USE PERMIT CASE NO. 200500048-(1)  
IMPLEMENTATION AND MONITORING PROGRAM (IMP)**

PART III – COMPENSATION. The permittee shall compensate the Department of Public Works, up to a maximum of \$1,500 annually, for expenses incurred, which are not otherwise covered by permit or other fees, in the administration of this grant, including this IMP and the MMRP. Such compensation shall be computed using the actual hours expended multiplied by the most current applicable hourly rates, approved by the County Auditor Controller, that are available at the time that expenses are incurred.

PART IV – TECHNICAL ADVISORY COMMITTEE An ad hoc committee of County Departments, chaired by the Director of Planning or Designee, shall be established for the purpose of reviewing, coordinating, and certifying satisfactory implementation of mitigation measures and compliance with the conditions of this grant, including all its conditions and IMP.

- a. Composition. The committee shall be composed of representative(s) of the following County Departments, and other County Departments on as-needed basis.

Department of Health Services/Local Enforcement Agency  
Department of Regional Planning  
Department of Public Works

- b. Meeting/Purposes. The Technical Advisory Committee shall meet at least once a year. It shall carry out the purposes of the subject of this grant/approval and ensure compliance with the approvals and regulations of local, State and Federal agencies involved in regulating and permitting of the facility.

Upon the permittee's application for compliance to the conditions of grant/approval, the Technical Advisory Committee shall meet to determine if all requirements precedent to granting an increase in the maximum daily tonnage have been met. If the Technical Advisory Committee so determines, it shall certify completion.

Each year, the Technical Advisory Committee shall meet to review the annual report submitted by the permittee as required by Part II – Monitoring Reports and certify that all requirements of the conditions of grant/approval are being met. The TAC shall review specific conditions of approval and mitigation measures as requested by the Community Advisory Committee.

- c. Access to Site and Information. The permittee shall provide to the Technical Advisory Committee and its independent consultant(s), access to all areas of the site during normal hours of operation and shall respond to all information requests from the TAC within 30 days as specified by the TAC regarding compliance with Conditions of this Grant and the IMP.

**CITY TERRACE TRANSFER STATION AND MATERIAL RECOVERY FACILITY  
PROJECT NO. R2005-00572- (1)  
CONDITIONAL USE PERMIT CASE NO. 200500048-(1)  
IMPLEMENTATION AND MONITORING PROGRAM (IMP)**

The permittee may appeal an adverse determination of the TAC to the Regional Planning Commission. An adverse decision of the Regional Planning Commission shall be further appealable by the permittee to the Board of Supervisors.



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Bruce W. McClendon FAICP  
Director of Planning

September 20, 2007

**PROJECT MITIGATION MEASURES  
DUE TO ENVIRONMENTAL EVALUATION**

**PROJECT NO: R2005-00572-(1)**

**CASE NO: RENV200500064, RCUP200500048-(1)**

The Department of Regional Planning (DRP) staff has determined that the following mitigation measures in the project are necessary in order to assure that the proposed project will not cause significant impacts on the environment.

The permittee shall deposit the sum of \$3000.00 with the Department of Regional Planning within 30 days of permit approval in order to establish a trust account to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

**Air Quality**

The Permittee must prepare and submit to the County LEA for review and approval an Alternative Odor Management Plan (AOMP) or a South Coast Air Quality Management District Rule 410 Odor Management Plan (Rule 410 OMP). Either odor plans shall include procedures to identify and handle odiferous incoming loads of Solid Waste.

The permittee shall incorporate the following practices in order to reduce dust and odors generated by the facility:

All equipment and diesel fleet vehicles, including transfer trucks, entering and/or utilizing the Facility shall be CARB compliant.

Trucks utilizing the facility shall be outfitted with diesel particulate filters.

All vehicles entering the facility with materials to be recycled shall be covered or tarped with impermeable cover to limit fugitive dust and particulate matter.

Institute a water spray system for unloading and loading of soil, cement, and other dry particulate loads.

Utilize portable water sprayers to control more localized dust sources, including construction and demolition material.

Utilize portable mist sprayers with deodorants on odorous materials, including organic materials and food wastes.

Utilize a bleach solution to clean off the tipping floor a minimum of once per day.

Install overhead deodorizing misting systems in tipping/processing buildings where unprocessed solid waste material is dumped, sorted, and/or stored.

Odorous materials shall be removed within 24 hours of receipt of said materials.

**Environmental Safety**

If soil contamination is suspected, construction in the area shall stop and appropriate health and safety procedures should be implemented.

The facility shall not process or dispose of hazardous waste and shall have a program for hazardous waste abatement, if such waste should be accidentally delivered to the site. This program shall be compliant with all guidelines established by the Solid Waste Management Division of Public Works, Department of Health Services, and Health Hazardous Materials Division/Site Mitigation Division of the County Forester and Fire Warden.

**Noise**

All construction equipment and activities at the project site shall comply with all provisions and restrictions in the County Noise Control Ordinance Chapter 12.12 and 12.18.

Construction activity shall occur between the hours of 7 a.m. and 7 p.m. Monday through Saturday. No construction shall occur on Sundays or legal holidays.

The proposed processing structure shall be enclosed on the south and west sides.

In-coming and out-going transfer trailer trucks shall be scheduled to avoid peak traffic hours.

All materials shall be processed within a structure meeting guidelines established by the Solid Waste Management Division of Public Works, Health Services, and the Health and Hazardous Materials Division of the County Forester and Fire Warden.

All project activities on the site, including unloading, sorting, and loading of materials and all associated clean-up activities, shall be restricted between the hours of 7:00 a.m. and 6 p.m..

**Water Quality**

The permittee shall comply with all pertinent NPDES requirements of the Regional Water Quality Control Board and the Los Angeles County Department of Public Works.

**Mitigation Compliance**

As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting five (5) annual mitigation compliance reports after the issuance of grading permit to DRP for review. Additional compliance reports are required if the mitigation measures have not been implemented and completed, the applicant and subsequent owner(s) shall replenishing the mitigation monitoring account if necessary.

As the applicant, I agree to incorporate these changes/conditions into the project, and understand that the public hearing and consideration by the Planning Commission will be on the project as changed/conditioned.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

[ ] No response within 10 days. Environmental Determination requires that these changes/conditions be included in the project.

\_\_\_\_\_  
Staff

\_\_\_\_\_  
Date





MITIGATION MONITORING PROGRAM  
PROJECT NO. R2005-00572-(1)  
RENV200500064, RCUP200500048

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<b>Air Quality</b>				
<ul style="list-style-type: none"> <li>The Permittee must prepare and submit to the County LEA for review and approval an Alternative Odor Management Plan (AOMP) or a South Coast Air Quality Management District Rule 410 Odor Management Plan (Rule 410 OMP). Either odor plans shall include procedures to identify and handle odiferous incoming loads of Solid Waste. The County LEA shall consult with the SCAQMD prior to approving an AOMP.</li> </ul> <p>The permittee shall incorporate the following practices in order to reduce dust and odors generated by the facility:</p> <ul style="list-style-type: none"> <li>All equipment and diesel fleet vehicles, including transfer trucks, entering and/or utilizing the Facility shall be CARB compliant.</li> <li>Trucks utilizing the facility shall be outfitted with diesel particulate filters.</li> <li>All vehicles entering the facility with materials to be recycled shall be covered or tarped with impermeable cover to limit fugitive dust and particulate matter.</li> <li>Institute a water spray system for unloading and loading of soil, cement, and other dry particulate loads.</li> <li>Utilize portable water sprayers to control more localized dust sources, including construction and demolition material.</li> </ul>	Approval of an odor minimization program.	Prior to expansion of the facility.	Applicant	LA County Department of Public Works, Solid Waste Management  South Coast Air Quality Management District  LA County Department of Health Services – Solid Waste Management
	Compliance with stated mitigation measures.	During project operation.	Applicant	LA County Department of Public Works, Solid Waste Management  South Coast Air Quality Management District  LA County Department of Health Services – Solid Waste Management  LA County LA County Department of Regional Planning

MITIGATION MONITORING PROGRAM  
PROJECT NO. R2005-00572-(1)  
RENV200500064, RCUP200500048

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<ul style="list-style-type: none"> <li>Utilize portable mist sprayers with deodorants on odorous materials, including organic materials and food wastes.</li> <li>Utilize a bleach solution to clean off the tipping floor a minimum of once per day.</li> <li>Install overhead deodorizing misting systems in tipping/processing structures where unprocessed solid waste material is dumped, sorted, and/or stored.</li> <li>Odorous materials shall be removed immediately upon receipt of said materials.</li> </ul>				
<b>Environmental Safety</b>				
If soil contamination is suspected, construction in the area shall stop and appropriate health and safety procedures should be implemented.	Approval and compliance of a hazardous waste clean-up work plan	Compliance will be verified by DPW field inspection during grading and building operations.	Applicant	Department of Toxic Substances Control Fire Department Regional Water Quality Control Board
The facility shall not process or dispose of hazardous waste and shall have a program for hazardous waste abatement, if such waste should be accidentally delivered to the site. This program shall be compliant with all guidelines established by the Solid Waste Management Division of Public Works, Department of Health Services, and Health Hazardous Materials Division/Site Mitigation Division of the County Forester and Fire Warden.	Approval of a hazardous waste abatement program	Prior to expansion of the facility.	Applicant	Public Works, Solid Waste Management LA County Department of Health Services – Solid Waste Management Fire Department
<b>Noise</b>				

MITIGATION MONITORING PROGRAM  
PROJECT NO. R2005-00572-(1)  
RENV200500064, RCUP200500048

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
All construction equipment and activities at the project site shall comply with all provisions and restrictions in the County Noise Control Ordinance Chapter 12.12 and 12.18.	Compliance to stated conditions.	Compliance will be verified during any monitoring agency's field inspection and/or review of Mitigation Monitoring Compliance Report.	Applicant	LA County Department of Health Services – Environmental Health, Environmental Hygiene Program  LA County LA County Department of Regional Planning
Construction activities associated with the project shall be permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction shall occur on Sundays or legal holidays.	Compliance to stated conditions.	Compliance will be verified during any monitoring agency's field inspection and/or review of Mitigation Monitoring Compliance Report.	Applicant	LA County Department of Public Works, Solid Waste Management  LA County Department of Health Services – Environmental Health, Environmental Hygiene Program  LA County LA County Department of Regional Planning
All materials shall be processed within a structure meeting guidelines established by the Solid Waste Management Division of Public Works, Health Services, and the Health and Hazardous Materials Division of the County Forester and Fire Warden.	Compliance to stated conditions.	Compliance will be verified during any monitoring agency's field inspection and/or review of Mitigation Monitoring Compliance Report.	Applicant	LA County Department of Health Services – Solid Waste Management  LA County Department of Public Works, Solid Waste Management  LA County LA County Department of Regional Planning
All project activities on the site, including unloading, sorting, and loading of materials and all associated clean-up activities, shall be restricted between the hours of 7:00 a.m. and 6 p.m.	Compliance to stated conditions.	Compliance will be verified during any monitoring agency's field inspection and/or review of Mitigation Monitoring Compliance Report.	Applicant	LA County Department of Health Services – Environmental Health, Environmental Hygiene Program, Solid Waste Management

MITIGATION MONITORING PROGRAM  
PROJECT NO. R2005-00572-(1)  
RENV200500064, RCUP200500048

Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
<b>Water Quality</b> Applicant shall comply with all pertinent NPDES requirements of the Regional Water Quality Control Board and the Los Angeles County Department of Public Works.	Approval or waiver of NPDES permit prior to the issuance of a building permit. Copy of said permit shall be submitted to the LA County Department of Regional Planning.	Prior to issuance of building permits.	Applicant	LA County LA County Department of Regional Planning
<b>Mitigation Compliance</b> As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting five (5) annual mitigation compliance reports after the issuance of building permit to DRP for review. Additional compliance reports are required if the mitigation measures have not been implemented and completed, the applicant and subsequent owner(s) shall replenishing the mitigation monitoring account if necessary.	Submittal of annual mitigation compliance report until such time as all mitigation measures have been implemented and completed; replenishing mitigation monitoring account	Five annual mitigation compliance reports after the issuance of the building permit.	Applicant	LA County Department of Regional Planning